

REMARKS

Claims 1-21 and 52-64 have been withdrawn with claims 22-51 pending in the application.

Claims 22, 23 and 25-27 stand rejected under 35 U.S.C. §102(b) as being anticipated by Trasko (US 4,872,686) and claims 22, 24, 39, 42, 43 and 50 stand rejected under 35 U.S.C. §102(b) as being anticipated by Dumas (US 6,036,606).

Claims 22-38, 40, 41, 45 – 49 and 51 stand rejected under 35 U.S.C. §103(a) for various reasons. Reconsideration of the rejections is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 34, 38 and 49-51 have been canceled.

Applicant has amended independent claims 22 and 39 to more clearly define that which the applicant regards as the invention. Applicant submits that amended claims 22 and 39, and any claims depending there from are not anticipated under 35 U.S.C. §102(b) by Trasko or Dumas.

More particularly, Trasko discloses a substantially rectangular golf course that comprises a grouping of three relatively close holes spaced from a plurality of tee areas. The holes may be located at varying positions within an elongated core as shown in FIG. 3. Each tee area is used for playing a respective one of the holes over different playing routes shown in dashed lines in various figures of Trasko. The course is designed so that players can tee off from each of three tees playing all three balls to a respective green or hole then putting all three out before moving on to the next set of three holes. This allows for players to play three holes simultaneously that have respective lengths equivalent to those of a regulation golf course (col. 11, lines 23-27). As in all the embodiments of the Trasko invention, the length of the holes are not in anyway sacrificed because of the size of the course (col. 12, lines 58-61).

Trasko further discloses that the golf course design includes a plurality of elongated cores disposed in "... adjacent side by side length-wise relation." (col. 1, lines 54-56). In this aspect, as shown in FIGS. 3, 5, 8A, 8B, 9 and 10 two or more elongated cores, such as 41 and 42 of FIG. 3 may be adjacent to one

another, or stacked, to form one column of holes. Six of such elongated cores may be stacked to form a 60-acre, 18 hole golf course as shown in FIGS. 8A and 8B. No teaching or suggestion is made that the elongated cores could be situated end-to-end. The golf course of Trasko comprises an average of three holes per elongated core and discloses that "... the greens for at least two holes in each group of three lie on the same core." (col. 2, lines 1-5).

Also, the "tee areas are arranged in groups of three, each tee area in a group corresponding to one of the holes in the group of three holes." (col. 2, lines 9-11). As noted above and described in detail in Trasko, this arrangement allows for players to play groups of three holes simultaneously over the golf course using conventional golf clubs and balls. This allows them to finish an 18-hole course of regulation yardage in less time, and not walk as far, than on a course of regulation length and traditional configuration (col. 1, lines 9-13, col. 2, lines 54-66).

Dumas discloses a golf course configured with a plurality of sequential arrangements of golf links. The golf course orients putting green areas and fairway areas in a predetermined web pattern where there are more fairway areas than putting green areas (col. 2, lines 1-7). Each of the fairway areas is also associated with one or two tee areas with the web pattern (col. 4, lines 7-9). This allows for maximizing the number of sequential golf links while minimizing the number of putting green areas and fairway areas, and provides many different orders of golf links that may be played on the same course. To accomplish this, the putting green areas of Dumas are associated with more than one fairway area as shown in FIGS. 1 and 2, and disclosed in column 2, lines 33-37 and elsewhere.

Dumas also discloses a method of constructing the golf course that includes disposing a plurality of putting green areas, spaced apart, and oriented with respect to a web pattern having at least two substantially parallel spaced apart axes and at least three substantially parallel transverse axes (col. 2, lines 50-54). In this aspect, Dumas requires that all putting green areas be spaced apart and oriented on the respective axes to create sufficient space among the

putting green areas so that connecting the putting green areas to one or more fairway areas may complete the web pattern. The spaced apart putting green areas are best shown in FIGS. 1 and 2 of Dumas.

As with Trasko and Dumas, golf course designers typically design each hole of a course to have unique features that may be a function of topography or preferences of an individual. Providing variety among traditional golf course holes tends to make the course more interesting and presents various shot making challenges to a player. The same is also true for miniature or putt-putt golf courses where each hole presents a different configuration or set of obstacles to challenge a player.

In this respect, Trasko discloses a plurality of elongated cores where there are different features among the cores. For example, the greens or holes are placed in various locations with respect to an end of an elongated core as well as with respect to each other. The same is true for the teeing areas of Trasko and some elongated cores have three greens while others have two. Positioning the greens and teeing areas in this manner within the elongated core creates fairways of varying lengths that approximate the lengths of respective fairways of a regulation golf course. Dumas discloses a web arrangement of greens and teeing areas where most greens are used by more than one fairway and the fairways have varying lengths. This arrangement creates a number of sequential golf links having overlapping playing routes where the defined holes of a playing route are different sizes and do not possess substantially identical features.

Amended claim 22 recites a course layout comprising "a plurality of holes of substantially equal size, each of the plurality of holes comprising a set of substantially identical common features..." among other aspects. Similarly, amended claim 39 recites that the plurality of hole corridors may comprise "a set of substantially identical common features..." among other aspects. An advantage of applicant's invention is that each hole or hole corridor on the course layout is substantially the same size and includes a set of substantially identical common features to create uniformity among the holes.

For example, a hole may include standardized irrigation and lighting layouts that are designed to fit within any hole on the course layout no matter where it is located, or regardless of the topography. Using standardized irrigation and lighting layouts eliminates the need and associated cost for customizing irrigation and lighting designs for individual holes or courses during construction. This permits ease of construction as does using other substantially identical common features for each hole (see generally paragraph [008] of applicant's specification).

Amended claim 39 further claims "a fairway having substantially the same length" and "no more than one putting green located proximate a first end of a respective hole corridor...". Applicant respectfully submits these aspects are not taught or suggested by either Trasko or Dumas. Dumas discloses fairways of varying lengths. Trasko discloses that the overall dimensions of the elongated cores may be substantially the same; however, the fairways of Trasko within each elongated core are of varying length, as with regulation fairways, and mapped out in various directions.

Trasko further discloses that each elongated core includes at least two greens having three holes, or cups, so that a player may play three holes simultaneously within each elongated core. Trasko suggests that one tee box may be located in one elongated core for playing to a green located in an adjacent elongated core; however, there is no teaching or suggestion that an elongated core be limited to one green having one hole. This would defeat the purpose of Trasko's disclosure, which is to have a configuration for a player to play three holes simultaneously within an elongated core.

Additionally, applicant respectfully submits that both Trasko and Dumas teach away from applicant's claimed invention. In this regard, Trasko teaches configuring each elongated core with a combination of tees and greens so a player may play multiple holes simultaneously. Laying out an individual hole or hole corridor with only one green proximate a first end of each hole or hole corridor, as claimed by applicant in amended claim 39, would defeat the purpose of Trasko's disclosure. Trasko teaches away from a course layout of the present

invention that includes individual holes or hole corridors for playing a game. This is evident in all figures of Trasko showing elongated cores including FIG. 5, for example. FIG. 5 illustrates the variety of fairway routes established among a plurality of greens and tees, all of which are positioned within respective elongated cores such that each core contains a relatively unique combination of greens, tees and obstacles to define the plurality of fairways. The disclosure of Trasko clearly teaches away from applicant's invention as claimed in amended claims 22 and 39.

Similarly, Dumas teaches a web pattern where putting areas are used by more than one fairway area so that a plurality of sequential golf links may be mapped over the web pattern. Dumas teaches away from using a single putting green per hole or hole corridor. It also teaches away from a rectangular grid of individual holes or hole corridors that are played as discrete holes. Also, the predetermined web pattern of Dumas creates a plurality of sequential golf links having paths that cross one another, which may cause safety issues for players using conventional golf clubs and balls. Applicant's course-playing routes do not cross one another and an 18-hole layout allows for up to 144 golfers at a time to safely play the course.

Applicant submits that neither Trasko or Dumas, or any other references cited by the Examiner anticipate amended claims 22 and 39.

Applicant has also amended claims 23-33, 35-37, 40, and 42-48 to more clearly define the invention. Applicant respectfully submits these claims are allowable over the prior art cited by the Examiner.

More specifically, amended claim 23 recites that "the plurality of holes are further configured in a rectangular grid comprising at least two columns and at least two rows arranged so that respective longitudinal axes of each of the plurality of holes within one of the at least two columns are substantially parallel with each other..." among other aspects. Applicant respectfully submits that arranging the plurality of holes in a grid, such as the exemplary grid shown in FIG. 1 of applicant's drawings, as claimed in amended claim 23 is not taught or

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suggested by the prior art of record, nor does it provide any motivation to one skilled in the art of making the combination as claimed in amended claim 23.

Similarly, amended claims 25, 26 and 42, 43 claim aspects of a grid layout that are not taught or suggested by the prior art and one skilled in the art would not be motivated to arrive at the invention as claimed therein. Trasko suggests that the elongated cores may be disposed in adjacent side by side length-wise relation to form courses but not to form a grid as claimed in amended claims 25 and 26, or to form contiguous hole corridors end-to-end as claimed in amended claim 42, or to form a hole corridor perpendicular to a grid as claimed in amended claim 43. Dumas teaches a web pattern where the axes between putting green areas may extend in various directions. Neither Trasko or Dumas, nor any other prior art cited by the Examiner, provide the motivation necessary for one skilled in the art to arrive at the combinations claimed in amended claims 25, 26 and 42, 43.

Amended claims 24 and 27 recite that the set of substantially identical common features includes a putting green proximate a first end of a hole and a teeing area spaced from the putting green so that the distance from the teeing area to the putting green within each of the plurality of holes is substantially the same distance. This aspect can be seen in FIG. 1 of applicant's drawings, which shows that in an exemplary embodiment each of the plurality of holes may include three teeing areas that are spaced from a putting green within the hole, which is in substantially the same position with respect to one end of the hole. Three teeing areas are spaced different distances from the putting green within a hole. These distances are repeated among the plurality of holes. This common feature, spacing the teeing areas from the putting green, is substantially identical for each hole. Applicant respectfully submits that this aspect as claimed in amended claims 24 and 27 is not taught or suggested by the prior art of record, nor does it provide any motivation to one skilled in the art of making the combination as claimed therein.

Amended claims 28-33 and 43-45 recite aspects of the invention with respect to the substantially identical common features found in each of the holes.

With respect to claims 28 and 44, an exemplary irrigation layout is shown in FIG. 3 of applicant's drawings that is standardized and may be used as a substantially identical common feature on each hole of a course. Applicant respectfully submits that amended claims 28 and 44 are not obvious in view of Trasko and Shaw et al. (US 5,541,000). Shaw et al. suggests that golf courses may include irrigation systems (col. 1, lines 42-53); however, it does not teach or suggest using a standardized irrigation layout for each hole of a course as claimed in amended claims 28 and 44. Further, one skilled in the art would not be motivated to arrive at the invention as claimed therein because golf courses are typically constructed to have fairways of varying lengths and shapes, such as a sharp dogleg, with greens positioned in many different locations. Irrigation systems for such courses require customization in order to irrigate each hole sufficiently. There is not motivation to combine the respective teachings of Trasko and Shaw et al. to arrive at the invention as claimed in amended claims 28 and 44.

With respect to amended claims 29 and 45, they recite that the set of substantially identical common features includes a "standardized lighting layout". An exemplary lighting layout is shown in FIG. 10 of applicant's drawings. Applicant respectfully submits that amended claims 29 and 45 are not obvious in view of Trasko and Taniguchi et al. (US 5,076,586). Taniguchi et al. discloses that a lighting installation may be included along an inner periphery of the triangular array of the three courses (col. 2, lines 51-53) to illuminate the courses; however, it does not teach or suggest using a standardized lighting layout for each hole of a course as claimed in amended claims 29 and 45. There is not motivation to combine the respective teachings of Trasko and Taniguchi et al. to arrive at the invention as claimed in amended claims 29 and 45.

In addition to claiming other aspects, amended claims 30 and 32 recite that the set of substantially identical common features includes a putting green selected from a group of putting greens having different square foot surface areas. It also recites that the distances from each one of a plurality of tee boxes to the putting green within a hole are substantially the same in each hole.

Applicant respectfully submits these aspects are not taught or suggested by, and no motivation to arrive at this claimed combination is found in the prior art of record. Both Trasko and Dumas teach course layouts that purposefully situate tees and greens in relation to one another to create fairways of varying lengths. This is done by spacing tees different distances from the greens where the distances are different from hole to hole. Neither Trasko or Dumas, or the other prior art of record, provide motivation to one skilled in the art to arrive at the invention as claimed in amended claims 30 and 32.

With further respect to amended claim 32, applicant points out that several of the substantially identical common features recited therein have predetermined characteristics such as size, shape and contour. Applicant respectfully submits that the Examiner did not address this aspect of the invention as claimed and this aspect is not disclosed by the prior art. Using common features having predetermined characteristics allows for ease of construction and permits an end user to select a common feature to satisfy their requirements for a layout.

With respect to amended claim 31, one aspect of applicant's invention is to provide a course that includes holes or hole corridors with a set of substantially identical common features such as the location and size of a putting green, fairway length, hazard area, chipping area, approach area and mounded area proximate the putting green. While these features may be known in general with respect to some golf courses none of the prior art cited by the Examiner teach or suggest using a "set of substantially identical common features" as part of each hole or hole corridor of a course. This uniformity among the holes or hole corridors of applicant's invention is beneficial because it allows for cost effective construction of a course in a relatively short period of time on a small amount of land regardless of topography. Applicant respectfully submits that amended claim 31 is allowable over the prior art.

Applicant submits that amended claim 33 is allowable for the reasons stated above.

Applicant has amended claims 35-37 and 46-48 to more clearly define the invention. The Examiner suggests, "... it is known in the golf art to use such targets for golf games as disclosed by Armstrong." (Office Action, Page 4); however, the Examiner does not identify any specific teaching, suggestion or motivation in support of combining the teachings of Armstrong, III et al. (US 6,217,458) with those of Trasko.

Applicant respectfully submits that the game disclosed by Armstrong III et al. is not compatible for playing on the course disclosed by Trasko. Trasko teaches playing a plurality of holes simultaneously over one or more elongated cores so a golf game may be played in less time than it would ordinarily take over a regulation yardage course. The game disclosed by Armstrong III, et al. uses a ball that is a rubber sphere having a ball attachment material applied to the outside of the surface. The sphere may be hollow, which allows the ball to compress when struck on the outside surface (col. 2, lines 56-65). A ball of this construction would not travel very far when struck, even by a conventional golf club, which would significantly increase time of play over a course such as that taught by Trasko. Nothing is taught or suggested in either Trasko or Armstrong III et al. to use the device of Armstrong III et al. on a course layout as claimed by applicant. There is no reason provided in Trasko, Armstrong III et al. or the other prior art cited by the Examiner why one of ordinary skill in the art would be prompted to combine their respective teachings to arrive at the invention as claimed in amended claims 35-37 and 46-48. Thus, the invention as claimed therein would not be obvious to one skilled in the art.

Applicant submits that amended claim 40 and claim 41 are in condition for allowance for the reasons set forth above with respect to claim 39. With respect to originally filed claim 41, applicant respectfully requests an affidavit from the Examiner under 37 C.F.R. §1.104(d)(2) identifying the factual basis in support of the Examiner's rejection of this claim. It is not sufficient for the Examiner to base a rejection on a general reference to Dumas and what the Examiner contends to be common knowledge to arrive at the combination claimed in claim 41.

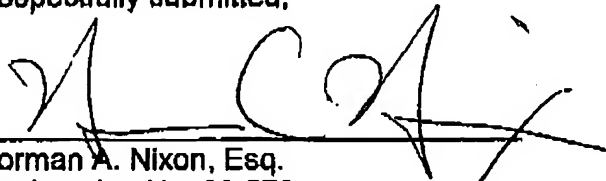
In consideration of the above, applicant submits that the invention as claimed in amended claims 22 and 39 and any claims depending there from is not anticipated and would not have been obvious at the time the invention was made to a person having ordinary skill in the art under 35 U.S.C. §103(a) in view of the prior art cited by the Examiner.

Consequently, applicant respectfully requests reconsideration of the merits of this invention and asserts that claims 22-33, 35-37, and 39-48 are in condition for allowance. Notice to that effect is respectfully requested.

The Examiner is invited to call applicant's representative at the number below to discuss any aspects of this application to move it more expeditiously to allowance.

DATED this February 24, 2005.

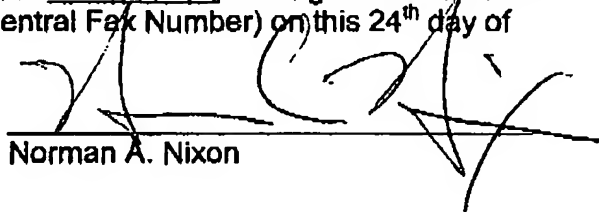
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CERTIFICATE OF TRANSMISSION

I HEREBY CERTIFY that this Amendment is being FAXED to the U.S. Patent Office at 703-872-9306 (Central Fax Number) on this 24th day of February, 2005.



Norman A. Nixon